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1 UNITED STATES DISTRICT COURT  
2 SOUTHERN DISTRICT OF NEW YORK

-----x

3 UNITED STATES OF AMERICA,

4 v.

21 CR 58 (MKV)  
Telephone Conference

5 ILONA DZHANGAROVA, et al.,

6 Defendants.

7 -----x

8 New York, N.Y.  
9 March 8, 2021  
2:00 p.m.

10 Before:

11 HON. MARY KAY VYSKOCIL,

12 District Judge

13  
14 APPEARANCES

15 AUDREY STRAUSS

United States Attorney for the  
Southern District of New York

16 DAVID R. FELTON

17 JONATHAN E. REBOLD

Assistant United States Attorney

18 ARTHUR L. AIDALA

Attorney for Defendant Dzhamgarova

20 MICHAEL FINEMAN

Attorney for Defendant Reznik

21 LANCE LAZZARO

22 Attorney for Defendant Arcadian

L38sDZHa

(The Court and all parties appearing telephonically)

THE COURT: Good afternoon. This is Judge Vyskocil.

We're here in the matter of 21 CR 58, USA v.

Dzhamgarova, et al. I am Judge Vyskocil, and I will be presiding over this case.

Before we go any further, I want to ask each defendant, do you understand English clearly or do you require the services of an interpreter?

Ms. Dzhamgarova.

DEFENDANT DZHAMGAROVA: Yes, your Honor. I do understand.

THE COURT: Do you require the services of an interpreter?

DEFENDANT DZHAMGAROVA: No, your Honor, I don't.

THE COURT: All right. Mr. Reznik?

DEFENDANT REZNIK: Yes, your Honor. I understand English, and I don't require services of an interpreter, your Honor.

THE COURT: All right. Mr. Arcadian.

DEFENDANT ARCADIAN: Yes, your Honor.

THE COURT: Yes. You understand English?

DEFENDANT ARCADIAN: Yes, I do.

THE COURT: Do you require the services of an interpreter to understand today's proceedings?

DEFENDANT ARCADIAN: Yes. I understand today's

L38sDZHa

1 proceeding. I don't require the services of an interpreter.

2 THE COURT: You do not?

3 DEFENDANT ARCADIAN: I do not.

4 THE COURT: OK. Thank you.

5 DEFENDANT ARCADIAN: Thank you.

6 THE COURT: All right. Ms. Dempsey, are you able to  
7 call the appearances, or did you want me to do that?

8 THE DEPUTY CLERK: Your Honor, I'm completely frozen.

9 THE COURT: All right. No problem.

10 Can I please ask for appearances for the record,  
11 starting with the government.

12 MR. REBOLD: Yes, your Honor. Jonathan Rebold for the  
13 government. I'm joined on this conference call with my  
14 colleague, AUSA David Felton, and I believe that Special Agent  
15 Russell Lantier with the Federal Bureau of Investigation either  
16 has dialed in or is planning on dialing into this call.

17 AGENT LANTIER: That's correct. This is Special Agent  
18 Russell Lantier. I am here.

19 THE COURT: Good afternoon. Thank you all.

20 Mr. Felton is having a problem with the video?

21 MR. FELTON: No, your Honor. I'm here. I don't know  
22 if you can see or hear me. I'm here as well.

23 THE COURT: Now I can, yes. Thank you.

24 All right. Counsel for Ms. Dzhamgarova.

25 MR. AIDALA: Yes. Arthur Aidala, A-i-d-a-l-a.

L38sDZHa

1 Good afternoon, your Honor.

2 THE COURT: Good afternoon. Counsel for Mr. Reznik?

3 MR. FINEMAN: Good afternoon, your Honor. Michael  
4 Fineman on behalf of Mr. Reznik.

5 Mr. Reznik is present on the call as well, as you  
6 know.

7 THE COURT: Yes. Thank you.

8 Counsel for Mr. Arcadian.

9 MR. LAZZARO: Lance Lazzaro for Mr. Arcadian.  
10 Good afternoon, your Honor.

11 THE COURT: Good afternoon.

12 Mr. Lazzaro, do you have a video?

13 There you are. Everybody keeps moving around.  
14 All right. Thank you.

15 All right. We do, of course, have a court reporter  
16 with us today, Ms. Frankó.

17 Are you able to hear us all clearly?

18 THE REPORTER: That's correct, your Honor.

19 THE COURT: All right. Thank you very much.

20 I have asked each of the defendants, I hope that was  
21 on the record, whether they needed of the services of an  
22 interpreter. They each clearly do not require the services of  
23 an interpreter.

24 We do have an interpreter on standby on this call, so  
25 should we get to a point where anybody feels that they would

L38sDZHa

1 prefer to have something interpreted, let the court know, and  
2 we can ask the interpreter to assist us.

3 All right? Before we go any further, needless to say,  
4 we are proceeding today remotely by video conference. We're  
5 doing that because we remain in the midst of the COVID-19  
6 pandemic, and I am conducting this proceeding by video  
7 conference pursuant to the authority provided by Section 15002  
8 of the CARES Act and standing orders issued by our Chief Judge,  
9 Colleen McMahon, pursuant to that Act.

10 Having said that, today's proceeding is open to the  
11 press and to the public, as if we were in open court. We  
12 posted the dial-in information for today's proceeding on ECF.  
13 I would ask that anyone who is not speaking, please mute your  
14 line so that we can cut down on feedback and interference, and  
15 the court reporter can hear and I can hear, we all can hear  
16 each other more clearly.

17 I would also ask that when you do address the court,  
18 please identify yourself for the record so that we get a clear  
19 transcript of what happens today.

20 Now, as I hope each of the defendants knows and  
21 understands, pursuant to Rule 43 of the Federal Rules of  
22 Criminal Procedure, you have a right to appear in open court  
23 before me to be arraigned on the charges before you. Counsel  
24 and all defendants are appearing before me today by video  
25 conference.

L38sDZHa

1 I have received from each of the defendants -- or from  
2 their counsel, I should say -- two documents; a waiver of a  
3 right to be present at a criminal proceeding, specifically a  
4 waiver of a right to be present at today's arraignment, and a  
5 consent for me to conduct today's proceedings by video  
6 conference.

7 I would like to address first counsel for each of the  
8 defendants, and after your counsel speaks, I'm going to ask  
9 each of the defendants a few questions. So please listen very  
10 carefully to my colloquy with counsel so that I don't have to  
11 repeat the questions when I turn to each of the defendants.

12 So I'll go in the order in which people are named on  
13 the caption. So starting with Ms. Dzhamgarova, would counsel  
14 please explain to me first when you were first appointed and  
15 how you have consulted with the defendant, including whether  
16 you used the services of an interpreter for those  
17 communications. I would then like to know how the two  
18 documents, the waiver and the consent to proceed remotely, were  
19 provided to your client, did you explain to your client his or  
20 her right to appear before me in open court, did you sign this  
21 document, did your client sign the document, and was it your  
22 sense that your client understood his or her right to be  
23 present in open court and voluntarily gave up those rights and  
24 is consenting freely and voluntarily to proceeding remotely by  
25 video conference.

L38sDZHa

1 All right. So I will start with you, Mr. Aidala and  
2 Ms. Dzhamgarova.

3 MR. AIDALA: I wasn't appointed. I was retained  
4 approximately two weeks ago.

5 I've met with my client. We have had a face-to-face  
6 meeting on top of several phone calls. As the court knows,  
7 this past Thursday, there was a presentment before the  
8 magistrate, at which time my client was also physically in my  
9 office. At that time, we had a signed waiver to appear in  
10 person. As the court may not know, my client is an attorney.

11 THE COURT: Yes.

12 MR. AIDALA: She is aware of her rights to appear  
13 personally. We did go over them. She does obviously  
14 understand why we are all not appearing in person and waived  
15 those rights for Thursday's presentment, and then waived again  
16 this Friday and over the weekend about appearing remotely. In  
17 fact, your Honor, it was her desire with my office for a remote  
18 location. She is with me today.

19 THE COURT: You keep cutting in and out every time you  
20 turn your head.

21 MR. AIDALA: Your Honor, to summarize it, I've met  
22 with my client personally. We have gone over the waiver. We  
23 have gone over her rights to appear in person and she has  
24 waived those rights to appear in person. She did so on  
25 Thursday for the presentment, and then she has done so again

L38sDZHa

1 today.

2 THE COURT: All right. Ms. Dzhamgarova, have you  
3 heard your counsel's answers to my questions?

4 DEFENDANT DZHAMGAROVA: Yes, your Honor.

5 THE COURT: And did you concur in his statement to me?

6 DEFENDANT DZHAMGAROVA: Yes, your Honor.

7 THE COURT: Anything that you wish to add or correct?

8 DEFENDANT DZHAMGAROVA: No, your Honor.

9 THE COURT: All right. You do understand that you  
10 have the right to be present before me in court today?

11 DEFENDANT DZHAMGAROVA: Yes, your Honor, I do.

12 THE COURT: And you are knowingly and voluntarily  
13 agreeing to proceed instead today by video conference rather  
14 than be present in open court?

15 DEFENDANT DZHAMGAROVA: Yes, your Honor.

16 THE COURT: All right. I have, as I say, two  
17 documents with respect to Ms. Dzhamgarova. The first is the  
18 waiver of right to be present at a criminal proceeding. The  
19 document is not dated.

20 Counsel, I need, while you're together, counsel, can  
21 we ship the camera back. Do you have a copy of this document?

22 MR. AIDALA: Yes, your Honor.

23 THE COURT: Can you please date the waiver of right to  
24 be present at criminal proceedings?

25 MR. AIDALA: Yes, your Honor.



L38sDZHa

1           THE COURT: And then right above, there are three  
2 requirements, frankly, that I'm supposed to satisfy under  
3 Rule 10 that the defendant has received and reviewed a copy of  
4 the indictment, that the defendant does not need me to read the  
5 indictment aloud, and that the defendant pleads not guilty.  
6 You're supposed to put checkmarks after those if they are  
7 applicable.

8           MR. AIDALA: Yes, your Honor.

9           THE COURT: So if you could please do that and send me  
10 the further document, and then we have the separate document, a  
11 consent to proceed by video. You did not check arraignment,  
12 which is what we're together for today.

13          MR. AIDALA: OK, your Honor.

14          Judge, I got out of a medical procedure, and I did not  
15 want to adjourn this for the court's sake. So although I  
16 reviewed all of these documents on Thursday and over the  
17 weekend, I did not see the final draft that was submitted to  
18 the court today.

19          I apologize, your Honor.

20          THE COURT: All right. The consent to proceed by  
21 video also needs to be dated. All right.

22          Let me speak again --

23          While I'm with you, Mr. Aidala, is that your signature  
24 that appears on this document?

25          I'm sorry. Your signature is on the consent to

L38sDZHa

1 proceed by video conference?

2 MR. AIDALA: Yes, your Honor.

3 THE COURT: And you did not communicate using an  
4 interpreter, correct?

5 MR. AIDALA: That is correct.

6 THE COURT: All right. I see Ms. Dzhamgarova again  
7 please.

8 First of all, am I saying your name correctly?

9 DEFENDANT DZHAMGAROVA: Yes, your Honor.

10 THE COURT: All right. Mine isn't the easiest either.  
11 I'm particularly sensitive to that.

12 DEFENDANT DZHAMGAROVA: Thank you.

13 THE COURT: Is this your signature that appears on the  
14 waiver of right to be present at a criminal proceeding?

15 DEFENDANT DZHAMGAROVA: Yes, your Honor.

16 THE COURT: And did you, in fact, sign as well the  
17 consent to proceed by video conference?

18 DEFENDANT DZHAMGAROVA: Yes, your Honor.

19 THE COURT: All right. And that includes at today's  
20 arraignment, even though you didn't check that box, you're  
21 revising that with your counsel and get me a revised form?

22 DEFENDANT DZHAMGAROVA: Yes, your Honor.

23 THE COURT: All right. Thank you.

24 All right. Mr. Fineman, I have similar two documents  
25 that appear to be signed by Mr. Reznik.

L38sDZHa

1 Do you have a copy of the documents, sir?

2 DEFENDANT REZNIK: I do, your Honor. I provided them  
3 to the court.

4 THE COURT: All right. So can you please explain to  
5 me, when you were retained or appointed and the circumstances  
6 under which you met with your client, and then would you please  
7 explain to me how these forms were provided to Mr. Reznik,  
8 whether you explained to him his right to be present in open  
9 court, and whether, based on that conversation, you formed the  
10 opinion that he knows and understands his rights and is  
11 voluntarily waiving them.

12 MR. FINEMAN: Your Honor, I was retained in this  
13 matter last week. Formally retained on Thursday, but the  
14 client and I had met previously to that.

15 We have discussed this case as well as this procedure.  
16 This is the second time we are appearing remotely in this case.  
17 We appeared remotely via telephone on Friday for the initial  
18 presentment where my client filled out similar forms. The way  
19 and the manner in which my client received these forms for  
20 today's appearance was that I was provided them by e-mail by  
21 the court.

22 I forwarded them by e-mail to my client. We've  
23 discussed them over the phone. I explained to him his right to  
24 be present in court and the reasons that we're not physically  
25 present today, because of the ongoing pandemic and health

L38sDZHa

1 crisis. He understands that while he does have a right to  
2 appear in court, that waiving that right is in his interest  
3 today so that we can proceed with the arraignment today before  
4 your Honor. He reviewed the paperwork, and I believe he'll be  
5 able to speak for himself and said that he signed it after  
6 reviewing it and speaking to me about it.

7 And is that your signature, Mr. Fineman, on the second  
8 page of the waiver of right to be present at criminal  
9 proceedings?

10 MR. FINEMAN: It is, your Honor.

11 THE COURT: All right. Is that your signature on the  
12 consent to proceed by video?

13 MR. FINEMAN: It is, your Honor.

14 THE COURT: All right. As with the prior conversation  
15 that I had, your client has not checked that he received and  
16 reviewed a copy of the indictment, that he does not need me to  
17 read the indictment aloud, and that he pleads not guilty to the  
18 charges.

19 So if that is, in fact, the case, I would like you  
20 please to revise this form, to date it, there is no date on it,  
21 as well as check if it is the case that he is waiving his right  
22 to be present and conferences on the back page and date that,  
23 and with regard to the consent to proceed by video, you haven't  
24 checked status or scheduling conference, which we are going to  
25 do after we do the arraignment today.

L38sDZHa

1           So I need all of those revised, please, and returned  
2 to us. But do you?

3           MR. FINEMAN: Yes, your Honor.

4           THE COURT: In fact, are each of those applicable and  
5 do you, in fact, consent to each of those?

6           MR. FINEMAN: Your Honor, we actually discussed all of  
7 those, the client and I. We discussed receiving the  
8 indictment. We have gone over the indictment, we have also  
9 discussed his right to have the indictment read in court, as  
10 well as his waiver of that reading of the indictment.

11           We didn't check in those dates because we believed the  
12 signature on the bottom would be encompassing of the entire  
13 paragraph above, but we can modify that as necessary.

14           THE COURT: And add a date, please.

15           MR. FINEMAN: Yes, your Honor.

16           THE COURT: All right. May I speak to Mr. Reznik,  
17 please.

18           Mr. Reznik, are you on the line still?

19           DEFENDANT REZNIK: Yes, your Honor. I'm here.

20           THE COURT: All right. Is your camera turned on?

21           DEFENDANT REZNIK: Yes.

22           THE COURT: There you are. All right, sir.

23           Have you heard my conversation with your counsel?

24           DEFENDANT REZNIK: Yes, your Honor.

25           THE COURT: Do you disagree with anything that he said

L38sDZHa

1 to me?

2 DEFENDANT REZNIK: No, your Honor.

3 THE COURT: Is there anything you wish to add?

4 DEFENDANT REZNIK: No, your Honor.

5 THE COURT: Did you, in fact, sign this document  
6 labeled waiver of right to be present at criminal proceedings,  
7 specifically at your arraignment today?

8 DEFENDANT REZNIK: Yes, your Honor.

9 THE COURT: Do you waive your right to be present at  
10 conferences in this matter, specifically the conference we're  
11 going to hold today?

12 DEFENDANT REZNIK: Yes, your Honor.

13 THE COURT: And do you agree to proceed by video  
14 conference at today's arraignment and at the conference we're  
15 going to hold after arraignment?

16 DEFENDANT REZNIK: Yes, your Honor.

17 THE COURT: All right. Is that your signature on the  
18 first page of the waiver of the right to be present at criminal  
19 proceedings?

20 DEFENDANT REZNIK: Yes, your Honor.

21 THE COURT: And is that your signature on the consent  
22 to proceed by video?

23 DEFENDANT REZNIK: Yes, your Honor.

24 THE COURT: Do you, in fact, knowingly -- do you  
25 understand your rights and do you knowingly waive them?

L38sDZHa

1 DEFENDANT REZNIK: Yes, your Honor.

2 THE COURT: All right. Thank you.

3 All right. Counsel for Mr. Arcadian, that is  
4 Mr. Lazzaro, right?

5 MR. LAZZARO: Yes, your Honor.

6 THE COURT: All right. Sir, you've heard the  
7 questions that I have put to your colleagues. Could you please  
8 explain to me how and when you were retained or appointed, how  
9 you've met with your client, and how you executed with your  
10 client these two forms, the waiver of right to be present and  
11 the consent to proceed remotely?

12 MR. LAZZARO: I got retained around two weeks ago with  
13 Mr. Arcadian. He has been in my office numerous times. I last  
14 met with him on Friday of this past week, went over the forms  
15 with him. He understands the nature of waiving his right to be  
16 present in court. He agrees to be seen remotely, and I ended  
17 up basically executing those forms on his behalf. I actually  
18 revised it around an hour ago, Judge, and sent to you and dated  
19 it and actually checked each box.

20 THE COURT: All right.

21 MR. LAZZARO: I think I'm good at this stage.

22 And he understands his rights that he is giving up,  
23 and he understands the nature that we're still in a pandemic  
24 and agrees to be seen remotely. He's actually in Arthur  
25 Aidala's office.

L38sDZHa

1 THE COURT: I was going to ask you that. That is your  
2 client in Mr. Aidala's office?

3 MR. LAZZARO: He is, Judge. They are married. They  
4 were going to appear together today in Mr. Aidala's office, and  
5 I have no issue with that.

6 THE COURT: The two defendants are married?

7 MR. LAZZARO: Yes.

8 THE COURT: All right. And you did not use the  
9 services of an interpreter in any of these?

10 MR. LAZZARO: No, Judge. He speaks fluent English.

11 THE COURT: All right. Mr. Arcadian?

12 DEFENDANT ARCADIAN: Yes, your Honor.

13 THE COURT: That's Mr. Aidala's name underneath you,  
14 that's why.

15 OK. Did you, sir, hear my colloquy with your counsel?

16 DEFENDANT ARCADIAN: Yes, your Honor.

17 THE COURT: Do you agree with everything he  
18 represented to the court?

19 DEFENDANT ARCADIAN: Yes, your Honor.

20 THE COURT: Is there anything that you wish to add?

21 DEFENDANT ARCADIAN: No.

22 THE COURT: Do you, in fact, understand that you have  
23 a right to appear before me in open court for your arraignment  
24 in this matter?

25 DEFENDANT ARCADIAN: Yes. I understand my right and I



L38sDZHa

1 waive it in light of the pandemic.

2 THE COURT: And you signed this waiver of the right to  
3 be present at a criminal proceeding, specifically your  
4 arraignment?

5 DEFENDANT ARCADIAN: Yes, your Honor.

6 THE COURT: All right. And you do have a copy of the  
7 indictment and you have had a chance to review it with your  
8 lawyer, and you voluntarily waive your right?

9 DEFENDANT ARCADIAN: Yes, your Honor.

10 THE COURT: All right. Do you consent to our  
11 proceeding today by video conference?

12 DEFENDANT ARCADIAN: Yes, your Honor.

13 THE COURT: All right. I do find, based on my  
14 colloquy with counsel and with the defendants, that each of the  
15 defendants knows and understands his or her right to be present  
16 before me in open court for today's arraignment and that each  
17 of the defendants has knowingly and voluntarily waived those  
18 rights and has voluntarily consented to our proceeding today by  
19 video conference.

20 In light of all of those answers, I find pursuant to  
21 Rule 10(b) of the Federal Rules of Criminal Procedure, a  
22 knowing and voluntary waiver of defendants' right to have the  
23 arraignment proceed today in open court.

24 All right. Why we were assembled today, as you know,  
25 we are here for the arraignment of each of the defendants on

L38sDZHa

1 the indictment in this matter. I will call on each defendant  
2 by name. I will then ask each of you the following four  
3 questions:

4 Have you seen a copy of the indictment containing the  
5 charges against you?

6 Have you discussed it with your lawyer?

7 Do you waive public reading, or do you need me to read  
8 the indictment aloud on the record?

9 And how do you plead to the charges against you?

10 All right. So let's begin with Ms. Dzhamgarova. Have  
11 you seen a copy of the indictment, ma'am?

12 DEFENDANT DZHAMGAROVA: Yes, your Honor.

13 THE COURT: All right. Have you discussed the  
14 indictment with your lawyer?

15 DEFENDANT DZHAMGAROVA: Yes, your Honor.

16 THE COURT: Have you had ample opportunity to ask any  
17 questions or have any communications that you need with your  
18 lawyer in order to be prepared to proceed today?

19 DEFENDANT DZHAMGAROVA: Yes, your Honor.

20 THE COURT: All right. Do you need me to read the  
21 indictment aloud, or do you waive public reading?

22 DEFENDANT DZHAMGAROVA: I waive public reading.

23 THE COURT: All right. And how do you plead to the  
24 charges against you?

25 DEFENDANT DZHAMGAROVA: Not guilty.

L38sDZHa

1 THE COURT: All right. Thank you, ma'am.

2 DEFENDANT DZHAMGAROVA: Thank you.

3 THE COURT: Mr. Reznik, have you seen a copy of the  
4 indictment?

5 DEFENDANT REZNIK: Yes, your Honor.

6 THE COURT: And have you had an opportunity to discuss  
7 it with your lawyer?

8 DEFENDANT REZNIK: Yes, your Honor.

9 THE COURT: You have, in fact, discussed the charges  
10 against you with counsel?

11 DEFENDANT REZNIK: Yes.

12 THE COURT: And have you had an ample opportunity to  
13 consult in order to be prepared to proceed with today's  
14 arraignment?

15 DEFENDANT REZNIK: Yes, your Honor.

16 THE COURT: Do you need me to read the indictment  
17 aloud to you, or do you waive public reading?

18 DEFENDANT REZNIK: I waive public reading, your Honor.

19 THE COURT: And how do you plead to the charges  
20 against you?

21 DEFENDANT REZNIK: Not guilty, your Honor.

22 THE COURT: All right. Thank you.

23 Mr. Arcadian.

24 DEFENDANT ARCADIAN: Yes, your Honor.

25 THE COURT: Sir, have you seen a copy of the

L38sDZHa

1 indictment and do you have a copy of the indictment containing  
2 the charges against you?

3 DEFENDANT ARCADIAN: Yes, your Honor.

4 THE COURT: You have had an opportunity to discuss the  
5 indictment and the charges with your lawyer?

6 DEFENDANT ARCADIAN: Yes, your Honor.

7 THE COURT: Have you had ample opportunity to consult,  
8 in order that you understand the proceedings and the charges,  
9 and are prepared to proceed with today's arraignment?

10 DEFENDANT ARCADIAN: Yes, your Honor.

11 THE COURT: And do you need me to read the indictment  
12 aloud, or do you waive public reading?

13 DEFENDANT ARCADIAN: I waive public reading.

14 THE COURT: And how do you plead to the charges  
15 against you?

16 DEFENDANT ARCADIAN: Not guilty, your Honor.

17 THE COURT: All right. Thank you.

18 A plea of not guilty will be entered on behalf of each  
19 of the defendants to the charges against them.

20 All right. Let's move to the status conference  
21 portion of today's proceeding. I don't know who will be  
22 speaking on behalf of the government.

23 Is that you, Mr. Felton or Mr. Rebold?

24 MR. REBOLD: It will be me, Mr. Rebold, your Honor.

25 THE COURT: All right. I'm not seeing you again now.

L38sDZHa

1 Is your camera turned on, sir?

2 MR. REBOLD: It is. I'm seeing myself, but I don't  
3 know if that is really dispositive.

4 THE COURT: You're coming back into view. There you  
5 go.

6 OK. So can I please hear from you then about,  
7 briefly, the nature of the case?

8 MR. REBOLD: Yes, your Honor. As laid out in, I'm  
9 sure, greater detail in the indictment, this case involves a  
10 conspiracy to commit immigration fraud. The investigation  
11 started with a focus on Ms. Dzhamgarova, who has a law firm in  
12 Brooklyn, and who offers immigration services to mostly  
13 individuals from Russia and the other commonwealth of  
14 independent states who are seeking some form of legal status in  
15 this country.

16 Among other things, that investigation revealed that  
17 Ms. Dzhamgarova frequently encouraged and/or aided her clients  
18 to seek asylum under fraudulent pretenses, including by, among  
19 other things, helping them make claims that they were gay males  
20 or lesbian females who had been persecuted in their native  
21 countries and for whom it would be unsafe to return to those  
22 countries, when she fully understood that these clients were  
23 heterosexual males and females who had suffered no such  
24 persecution.

25 As part of the investigation, Ms. Dzhamgarova would

L38sDZHa

1 tell clients to obtain certain documents, such as membership  
2 cards at particular LGBTQ center, to help weave up their  
3 application, to help prove their sexual orientation, and she  
4 worked with what she referred to as writers or journalists who  
5 would help her clients write an asylum affidavit, which is an  
6 optional statement of one's personal history, past persecution,  
7 and/or proposed basis for asylum that is frequently appended to  
8 a person's I-589 asylum application.

9 This case, among other things, involved the use of a  
10 cooperating witness, who Ms. Dzhamgarova referred to defendant  
11 Igor Reznik, who served as a journalist for that particular  
12 applicant's fraudulent asylum application.

13 Mr. Reznik, during the course of a number of meetings  
14 and phone calls, but including an initial pair of phone calls  
15 that lasted about five hours with the cooperating witness on  
16 his own, and understanding that the cooperating witness was a  
17 heterosexual male, completely fabricated and concocted a very  
18 lengthy and detailed story of historical persecution on behalf  
19 of the cooperating witness. He did so with very little  
20 assistance or prompting from the cooperating witness.

21 And that document, which was revised over time but  
22 turned out to be about nine pages of single-spaced proposal,  
23 laid out in great detail a story of persecution that Mr. Reznik  
24 fabricated himself, wrote himself, and that he understood never  
25 actually occurred.

L38sDZHa

1           When that cooperating witness had to go for his asylum  
2 interview with an asylum office with USCIS, which is United  
3 States Citizenship and Immigration Services, Ms. Dzhamgarova  
4 was unavailable. So she referred her husband, who is  
5 Mr. Arcadian, also an immigration attorney, to represent the  
6 cooperating witness.

7           Mr. Arcadian also was made fully aware that the  
8 application for that cooperating witness was based entirely on  
9 fraud and, nevertheless, helped assist that witness to prepare  
10 for his asylum interview, coached him how to answer certain  
11 questions, and provided the asylum affidavit, which he knew was  
12 false, provided other documentation, which he knew was  
13 fraudulent or obtained based on fraudulent pretenses and  
14 accompanied that witness into his asylum interview, which was  
15 held under oath with an asylum officer, in which the  
16 cooperating witness repeated many of the same lies that he had  
17 discussed with the three defendants.

18           Our investigation is ongoing, but to be clear, it is  
19 revealed that these services that were extended to the  
20 cooperating witness have been extended to multiple other  
21 clients of this firm over a period of years, and I expect that  
22 there will be eventually a superseding indictment that expands  
23 the period of time of the conspiracy.

24           I can certainly provide greater detail that is  
25 helpful, your Honor, but I think that's about the 30,000 foot

L38sDZHa

1 overview.

2 THE COURT: That's sufficient.

3 Does the indictment remain under seal?

4 MR. REBOLD: I'm not sure why it's listed as such, but  
5 on the date of the defendant's arrest on February 18, we saw  
6 it, and I believe it was Judge Katharine Parker, Magistrate  
7 Judge, who signed our request for unsealing of the indictment.  
8 And it should be unsealed, and I can forward that signed  
9 document by Judge Parker to the court if it would be helpful in  
10 making the indictment publicly available, if it isn't already.

11 THE COURT: I'm just trying to look at the docket.

12 If you could forward it to us, I would appreciate  
13 that. Just scanning very quickly, I'm not seeing it. It is  
14 still listed as a sealed indictment.

15 MR. REBOLD: My colleague, Mr. Felton, just apprised  
16 me that docket entry number three on ECF should be the order  
17 unsealing the indictment. I'm trying to pull it up myself now.

18 THE COURT: It is. Order to unseal. Yes. You can  
19 access it.

20 THE DEPUTY CLERK: Document number two is actually --  
21 can be publicly accessed when a case is sealed.

22 THE COURT: That's what I'm saying. I can call it up  
23 when I click on it.

24 OK. Thank you very much both Ms. Dempsey and counsel.

25 All right. Mr. Rebold, what's the status of the



L38sDZHa

1 speedy trial clock?

2 MR. REBOLD: Your Honor, I think today would be the  
3 first day. Today is the date of arraignment. So, to my  
4 knowledge, no speedy trial time has elapsed just yet.

5 THE COURT: OK. Thank you.

6 Do any of the defense counsel have anything they wish  
7 to add to or any disagreement with anything -- obviously, you  
8 dispute the charges -- but anything you wish to comment on with  
9 respect to what Mr. Rebold has put on the record?

10 MR. AIDALA: No, your Honor.

11 THE COURT: All right. Thank you.

12 Mr. Lazzaro?

13 MR. LAZZARO: No, your Honor.

14 THE COURT: Who was that?

15 MR. FINEMAN: Michael Fineman.

16 Nothing further, your Honor.

17 THE COURT: All right. Mr. Fineman.

18 MR. LAZZARO: Mr. Lazzaro. Judge, nothing further.

19 THE COURT: I'm sorry. Thank you.

20 We've heard from all three defendants?

21 MR. AIDALA: Yes, your Honor.

22 MR. FINEMAN: Yes, your Honor.

23 MR. LAZZARO: Yes, your Honor.

24 THE COURT: You need to remember to please identify  
25 yourselves when you address the court so that the court

L38sDZHa

1 reporter knows who it is that is answering, and that I know.

2 All right. Mr. Rebold, are there any victims who need  
3 to be notified under the Crimes Victims Act?

4 MR. REBOLD: Not that I'm aware of at this time. I  
5 think to the extent there are victims, they would be people who  
6 also theoretically are coconspirators who submitted fraudulent  
7 applications with assistance of the charged defendants.

8 So, I'm sorry, that's a longer way of me saying no.

9 THE COURT: All right. Let's talk about discovery.

10 I did post on the docket in this case an order  
11 pursuant to Rule 5(f) of the Federal Rules of Criminal  
12 Procedure. I will also remind the government orally, this is  
13 the first time that we've all been together at one court  
14 appearance. So I remind you orally on the record of your  
15 obligation to comply with your duties under Brady v. Maryland  
16 and under the U.S. v. Giglio case and their progenies.

17 You're obligated to disclose to the defense all  
18 information, whether admissible or not, that is favorable to  
19 the defendant, material either to guilt or to punishment, and  
20 known to the prosecution.

21 Possible consequences for noncompliance may include  
22 dismissal of individual charges or of the entire case,  
23 exclusion of evidence, and professional discipline or court  
24 sanctions on any attorney responsible for any violation of  
25 disclosure obligations.

L38sDZHa

1           As I say, I have entered a written order more fully  
2           describing these obligations and the possible consequences of a  
3           failure to meet them. I direct the prosecution to review and  
4           comply with that order.

5           Counsel, do you understand your obligations with  
6           respect to discovery and commit to fulfill them in this matter?

7           MR. REBOLD: Yes, your Honor. We both understand our  
8           obligations and commit to fulfill them.

9           THE COURT: All right. Can you please talk to me  
10          about discovery?

11          What's the status? What type of evidence do you  
12          expect to produce and how long do you need to do so?

13          MR. REBOLD: So, taking us in reverse order, your  
14          Honor, we are requesting about six weeks, if that is acceptable  
15          to the court and defense counsel, to produce what I expect will  
16          be the bulk of discovery, which includes, among other things,  
17          recordings of meetings and conversations between witnesses and  
18          the defendants, draft translations and transcripts of those  
19          conversations, search warrants and search warrant results,  
20          agent reports, and among other things, device -- electronic  
21          devices that are being searched, e-mail accounts that are being  
22          searched, and USCIS files that are being collected.

23          I would caution your Honor that the USCIS files, to  
24          collect those, I think, is a lengthy process. We are trying to  
25          track down, frankly, every USCIS file that can be connected to

L38sDZHa

1 any of these defendants, any application. We are testing as  
2 wide as we can. It may take some time to get all of those.

3 We do intend to produce discovery on a rolling basis,  
4 and certainly would commit to working with counsel to try to  
5 push out as quickly as possible the things that I think would  
6 be of most interest to them, both in terms of proof of guilt  
7 from the government's perspective and the sorts of things that  
8 would form the basis of a suppression motion or a motion to  
9 dismiss.

10 There are other things like electronic devices that  
11 we have recovered that will require the government to undergo a  
12 series of reviews that will probably cause those devices to be  
13 reviewed over more than just six weeks. And just to lay that  
14 out, your Honor, we have recovered a number of computers, for  
15 example, and at least one cellular telephone that we intend to  
16 search pursuant to a warrant.

17 Those searches require agents to first translate most  
18 of the communications from Russian to English so they  
19 understand what they are looking at, requires them to then  
20 conduct a privilege review, which in this particular case is  
21 particularly onerous, as the court may imagine, because many of  
22 these communications on their face will be privileged, unless  
23 there is an exception and they need to be reviewed for a crime  
24 fraud exception. For example, there is a marriage privilege  
25 that may come up between Ms. Dzhamgarova and Mr. Arcadian. And

L38sDZHa

1 then on top of all of that, a relevance review needs to be  
2 conducted.

3 I will float now, and I have not raised this with  
4 defense counsel, but to the extent attorneys for the defendants  
5 are willing, upon the furnishing of the warrants to consent to  
6 the productions of the full devices, to all of the codefendants  
7 that would obviously speed up and facilitate this production.  
8 But in the absence of that, it may take quite some time to  
9 conduct those reviews and turn over those records, and we'll  
10 just wanted to flag that for the court, because those  
11 particular searches and discovery make up a bulk of the  
12 requested six-week window.

13 THE COURT: How long, realistically, are you talking  
14 about for everything?

15 MR. REBOLD: Well, the devices, I just hesitate to  
16 say, your Honor, because we haven't even gotten into many of  
17 them yet. Some of them could be empty, some of them could have  
18 terabytes of data. I don't know about the number of  
19 interpreters that we'll have.

20 I can certainly endeavor to update the court in the  
21 absence of consent from the parties to just provide a full  
22 download of the devices. And the USCIS files, we're also in a  
23 sort of we don't know what we don't know stage at this moment  
24 because we just don't know how many files there are.

25 But, again, I do think that the vast majority of our

L38sDZHa

1 evidence in this case will be turned over within the next few  
2 weeks.

3 THE COURT: All right. I'm sorry. Go ahead.

4 MR. REBOLD: Certainly the evidence that I would at  
5 least conceive would form the basis of any pretrial motions.

6 THE COURT: Does anyone wish to be heard on the  
7 defense side?

8 MR. AIDALA: This is Arthur Aidala, your Honor.

9 I guess, obviously, we're all going to have to be a  
10 little flexible until Mr. Rebold seems to have a better handle  
11 of what he has. Obviously we will turn over whatever devices  
12 he needs to upload the discovery on, whether it is hard drives,  
13 etc., etc.

14 THE COURT: All right. Are the parties anticipating a  
15 protective order in this case?

16 MR. REBOLD: I'm sorry, your Honor. Yes, I intend to  
17 convey to defense counsel, in short order, a proposed  
18 protective order and --

19 THE COURT: What do you mean in short order?

20 MR. REBOLD: In the next 24 to 48 hours, if not  
21 sooner.

22 THE COURT: All right.

23 MR. REBOLD: The case involves, among other things,  
24 the USCIS applications. Every single one of those contains a  
25 lot of personal identifying information. The devices belonging

L38sDZHa

1 to the individual defendants may contain a great deal of  
2 personal identifying information.

3 The case is built on cooperating witnesses and other  
4 civilian witnesses who are cooperating with the government  
5 whose identities also warrant some protection.

6 THE COURT: All right. The reason I'm asking, I'm  
7 trying to get a sense of what is a logical schedule for this  
8 case. In the normal course, at this conference, I would set a  
9 date by which any motions addressed to discovery need to be  
10 made and I would set a trial date.

11 But given the world we're living in, with all the  
12 restriction from COVID, which impact both the court's  
13 ability -- I cannot simply schedule a trial date, as I think  
14 you're all aware, right now in the Southern District. The way  
15 we're operating is that when a case is trial ready, I put in a  
16 request to the clerk's office on a quarterly basis, and then  
17 I'm assigned a trial slot if one is available.

18 So we're already booked for the second quarter. We  
19 would be talking, at the very earliest, the third quarter of  
20 this year. But it is meaningless to just arbitrarily -- and,  
21 in fact, you know, I can't just arbitrarily say a trial date.

22 Similarly, with respect to motion practice, I don't  
23 want to arbitrarily set a motion deadline if we don't know how  
24 long discovery is going to take.

25 So what I would propose to you, seems to me to make

L38sDZHa

1 the most sense, is for you to give me a realistic sense of how  
2 long you think discovery will take, and we will then have a  
3 conference, as we approach the end of that time frame, for  
4 defendants to talk to me about, have you had full access to  
5 that discovery, have you had the opportunity to review it with  
6 your clients, do you anticipate motion practice with respect to  
7 the discovery. And if so, then we'll set the schedule for  
8 motion practice and a target date or target quarter for the  
9 trial of the case.

10 Does that make sense to people?

11 MR. REBOLD: Your Honor, we, of course, defer to  
12 whatever the court thinks makes sense and whatever defense  
13 counsel wishes. I think that we could commit to get the bulk  
14 of discovery out, sort of the caveat that is laid out, within  
15 about six weeks. And if defense counsel wanted, you know, to  
16 be given two months to review that and file motions, I think  
17 that would make sense for the government. And then maybe, you  
18 know, four weeks for the government to respond from there and  
19 two weeks for defense to reply.

20 But if the court and the parties think it makes more  
21 sense to set an aspirational date for discovery and then confer  
22 again when we reach that date, we, of course, are flexible and  
23 and willing to do that.

24 THE COURT: All right. Sir.

25 MR. AIDALA: I would prefer with what I believe the



L38sDZHa

1 court suggested was, which was let's see when we get the  
2 discovery and then how voluminous the discovery is, to then set  
3 a realistic date for motions and possibly a trial.

4 THE COURT: Mr. Fineman or Mr. Lazzaro, anything from  
5 either of you?

6 MR. FINEMAN: Your Honor, I agree with Mr. Aidala.  
7 The way the government is describing the search they are going  
8 to be conducting for immigration documents and paperwork, I  
9 imagine the discovery in this case could be quite voluminous,  
10 and I would like to have as much time as possible to review the  
11 paperwork as it pertains to my client, if and to what extent it  
12 pertains to my client.

13 I would like a longer date to have an opportunity to  
14 review the discovery and come back and discuss a trial date.

15 THE COURT: When are you proposing, sir?

16 Two months is May. Are you proposing longer than  
17 that?

18 MR. FINEMAN: I personally would suggest, if the  
19 government is going to take six weeks to provide discovery,  
20 that we should have at least six weeks to review it.

21 THE COURT: Mr. Lazzaro?

22 MR. LAZZARO: What I would suggest, your Honor, is if  
23 the government is going to take six weeks, I think we need at  
24 least eight to 12 weeks to review it. We should come back  
25 maybe in four months for a status conference.

L38sDZHa

1           Then if there are any issues with respect to any  
2 motions involved, then the court could set a motion schedule.  
3 I just think at this stage, without seeing the discovery, it is  
4 premature to set a trial date.

5           THE COURT: I can't set a trial date.

6           MR. LAZZARO: And there may even be an issue, Judge,  
7 with them going through the phones, because that might be  
8 privileged material and I don't know if the U.S. Attorney's  
9 office has that right to go through that.

10           You might have to send a monitor, almost like what  
11 happened with Michael Cohen and Donald Trump when they went  
12 into Cohen's files.

13           THE COURT: The parties are going to have to raise  
14 that with me if and when the issue is ripe.

15           MR. LAZZARO: I agree, Judge. It may not be ripe, but  
16 we have to see what they turn over.

17           THE COURT: All right. Today is March 8. So if the  
18 defendants want four months, which is what you said, I believe,  
19 Mr. Lazzaro?

20           MR. LAZZARO: Correct.

21           THE COURT: We can reconvene. That would put us  
22 April, May, June, July, sometime in early July.

23           Ms. Dempsey, can you take a look at the calendar, and  
24 I know that there is a week in early July that is not  
25 available.

L38sDZHa

1 THE DEPUTY CLERK: July 13.

2 THE COURT: I think that doesn't work, right? I think  
3 I have a conflict.

4 THE DEPUTY CLERK: You're right. You're right.

5 Hold on.

6 (Pause)

7 July 6.

8 MR. AIDALA: That's good for me, if it is good for the  
9 court and co-counsel.

10 THE COURT: I would rather do July 1, if we can.

11 Does that work, Ms. Dempsey?

12 THE DEPUTY CLERK: It does.

13 THE COURT: All right. July 1 at 10:00 a.m., we will  
14 have a further conference.

15 In the meantime, if there are motions that anybody  
16 needs to bring to the court's attention, for example, there was  
17 a mention about whether the government ought to have access to  
18 certain devices or whether a monitor needs to be appointed.  
19 Certainly you can bring on a motion in advance of that date.

20 But otherwise, at that conference on July 1, we will  
21 talk about a schedule for any motions, including motions to  
22 suppress evidence, or any other motion anyone wishes to make,  
23 and we'll talk about what is a realistic time frame to request  
24 a slot for trial.

25 In the meantime, I would like to speak to the

L38sDZHa

1 defendants for a moment. I won't see you again then until  
2 July, unless something comes up in the interim. I want to just  
3 note to each of you -- I'm not saying this should happen or  
4 there is any reason this ought to happen -- but if for any  
5 reason you need or you want to change counsel, I caution you do  
6 not wait until the last minute. If you have retained counsel  
7 and you're eligible for appointed counsel or you have retained  
8 counsel and for any other reason you want to change counsel, it  
9 is critical that you raise that issue with the court as soon as  
10 possible.

11 Some of you are lawyers. You know and you understand,  
12 you need time to prepare a case, and it will not be in your  
13 interest to wait until the last minute. Once a trial date is  
14 set, it is set, and a change of counsel is not going to be a  
15 reason to delay a trial. And it will work to your detriment if  
16 you wait until the very last minute. I may not grant your  
17 application, and you may being denied your request to change  
18 counsel, or you may otherwise prejudice your own case if you  
19 delay.

20 But as I said at the outside, I'm not suggesting to  
21 any of you that there is a reason you should be requesting to  
22 change counsel. I'm just reminding you.

23 DEFENDANT DZHAMGAROVA: Yes, your Honor.

24 DEFENDANT ARCADIAN: Yes, your Honor.

25 THE COURT: Mr. Reznik?

L38sDZHa

1 DEFENDANT REZNIK: Yes, your Honor.

2 THE COURT: All right. Thank you.

3 DEFENDANT REZNIK: Yes.

4 THE COURT: I assume the conditions of release will  
5 remain the same; there are no applications?

6 Mr. Rebold, that is addressed to you.

7 MR. REBOLD: I'm sorry, your Honor.

8 The government is satisfied with the conditions that  
9 have been agreed upon by the parties during the defendants'  
10 respective presentments over the last week.

11 I'm sorry, your Honor. If now is the time, we would  
12 make an application to the court that all speedy trial time --

13 THE COURT: Hold on. Hold on for a minute with the  
14 speedy trial clock.

15 MR. REBOLD: Sure.

16 THE COURT: Are there any applications from any  
17 defendants with respect to the conditions of release?

18 Mr. Aidala?

19 MR. AIDALA: No, your Honor.

20 THE COURT: Mr. Lazzaro?

21 MR. LAZZARO: No, your Honor.

22 THE COURT: All right. Thank you.

23 Mr. Fineman?

24 MR. FINEMAN: No, your Honor.

25 THE COURT: All right. Mr. Rebold, I'll hear from you

L38sDZHa

1 with respect to the speedy trial clock.

2 MR. REBOLD: Sorry for getting ahead of myself there,  
3 your Honor.

4 THE COURT: That's all right.

5 MR. REBOLD: Your Honor, the government respectfully  
6 requests that all speedy trial time between today and July 1 of  
7 this year be excluded in the interest of justice so that the  
8 government can produce discovery to the defendants, so that the  
9 defendants can review those materials and contemplate pretrial  
10 motions, and perhaps so the parties can engage in negotiation  
11 of a pretrial disposition that may be favorable to the  
12 defendants vis-a-vis what they may be facing following trial.

13 THE COURT: All right. Anything from the defendants,  
14 Mr. Aidala?

15 MR. AIDALA: No, your Honor. No objection.

16 THE COURT: No objection. OK.

17 Mr. Lazzaro?

18 MR. LAZZARO: Nothing, your Honor.

19 THE COURT: Is that consent, objection?

20 MR. LAZZARO: No, I consent.

21 THE COURT: All right.

22 Mr. Fineman?

23 MR. FINEMAN: Your Honor, I consent.

24 THE COURT: All right. I will exclude time from today  
25 until July 1 under the Speedy Trial Act. I do find that the

L38sDZHa

1 ends of justice served by excluding such time outweigh the  
2 interests of the public and each of the defendants in a speedy  
3 trial because it will allow time for the government to prepare  
4 and produce discovery to the defendants, it will allow time for  
5 the counsel to review that evidence, to share it with their  
6 clients, the defendants, and review it with the defendants, to  
7 consider whether there are any motions that, if any, the  
8 defendants wish to make, and it will allow time for the parties  
9 to, if they so wish, to negotiate a potential consensual  
10 disposition of the case.

11 In addition, there is no objection from  
12 Ms. Dzhamgarova and Mr. Arcadian and Mr. Reznik consent to the  
13 exclusion of time.

14 Is there anything else we can talk about today or  
15 accomplish, Mr. Rebold?

16 MR. REBOLD: Not from the government, your Honor.

17 THE COURT: Mr. Aidala?

18 MR. AIDALA: No. Thank you very much, your Honor.

19 THE COURT: Thank you.

20 Mr. Lazzaro?

21 MR. LAZZARO: Nothing, your Honor.

22 THE COURT: Thank you.

23 Mr. Fineman?

24 MR. FINEMAN: Nothing further, your Honor. Thank you.

25 THE COURT: All right. All that remains for me then

L38sDZHa

1 is to thank our court reporter, Ms. Frankó, very much.

2 I wish everyone a good afternoon, and please stay safe  
3 and healthy.

4 (Adjourned)